

UNDER  
SEAL

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
District of Oregon

FILED 16 FEB '16 14:51 USDC-ORP

United States of America  
v.

Case No.

'16-MJ-177

ROBERT EVANS MAHLER

*Defendant(s)*

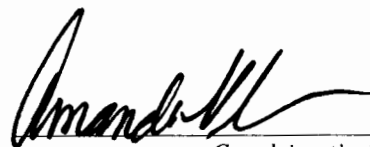
## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 2014-March 2014 in the county of Clackamas in the  
District of Oregon, the defendant(s) violated:*Code Section*  
18 U.S.C. § 922(g)(1)*Offense Description*  
Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit of Special Agent Amanda Johnson

☒ Continued on the attached sheet.*Complainant's signature*

ATF Special Agent Amanda Johnson

*Printed name and title*

Sworn to before me and signed in my presence.

Date:

February 16, 2016*Judge's signature*

City and state:

Portland, Oregon

The Honorable Janice M. Stewart, U.S. Magistrate

*Printed name and title*

**UNITED STATES OF AMERICA )**  
**)**  
**DISTRICT OF OREGON )**

**AFFIDAVIT OF AMANDA R. JOHNSON**

**\*\*TO BE SEALED\*\***

## **Affidavit in Support of a Criminal Complaint**

I, Amanda R. Johnson, being duly sworn on oath, do hereby depose and say:

## Introduction and Agent Background

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) assigned to the Portland, Oregon post of duty, and have been so employed since July 2014. I have successfully completed the Criminal Investigator Training Program (CITP) and ATF Special Agent Basic Training (SABT) at the Federal Law Enforcement Training Center in Glynco, Georgia. I have a Bachelor of Science Degree in Psychology, with a minor in Criminal Justice from the University of Wisconsin – La Crosse in La Crosse, Wisconsin.

2. This affidavit is made in support of a criminal Complaint charging Robert Evans MAHLER, a convicted felon, with alleged violations of Federal firearms laws in the Judicial District of Oregon.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

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**Applicable Law**

4. Title 18, United States Code, Section 922(g)(1), which makes it unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess a firearm or ammunition that has been shipped or transported in interstate or foreign commerce.

**History of Subject Involved**

5. That I have reviewed the computerized criminal history (CCH) and court documents for Robert Evans MAHLER and they reveal he has been convicted of the following felonies, all punishable by more than one year in prison:

- False Statement in Acquisition of a Firearm. Conviction is based on a plea of guilty on April 29, 1994, United States District Court, District of Oregon Case No. CR 92-175-1-JO.
- Illegally Exporting a Defense Article. Conviction is based on a plea of guilty on March 27, 1995, United States District Court, District of Oregon Case No. CR 95-22-01-HA.

**Statement of Probable Cause**

6. On January 19, 2016, I spoke with Connie Daggett via telephone and learned she was storing personal property, to include firearms, belonging to Robert Evans MAHLER. At the time of the conversation, Connie told me she believed MAHLER was a convicted felon based on an article she found online which stated MAHLER had been in prison for firearms trafficking. Connie estimated she was storing approximately fifty (50) firearms for MAHLER.

7. On January 19, 2016, independent from my conversation with Connie, I received information from ATF SA Aaron Woods that Bureau of Land Management (BLM) Special Agent (SA) Adam Sully (SULLY) contacted him regarding the possible illegal possession of firearms by MAHLER.

8. On January 20, 2016, I spoke with SULLY via telephone. SULLY stated MAHLER married the mother of his wife approximately ten years ago. SULLY said MAHLER had asked SULLY to do some firearms training with him. SULLY said he did not want to do any firearms training with someone he did not know well. SULLY said he did some research online about MAHLER which disclosed MAHLER was convicted of a federal felony.

9. SULLY said he knew MAHLER had previously stored firearms at another individual's residence, but he thought the firearms were currently being stored at Connie and Bill Daggett's residence. SULLY said Connie is his sister and Bill is his brother-in-law.

10. SULLY said MAHLER purchases ammunition online and has it shipped to someone else's residence.

11. SULLY stated he did not conduct any firearms training with MAHLER. SULLY also said he notified the National Rifle Association (NRA) about MAHLER's criminal history because SULLY said MAHLER was registered as a firearms trainer with the NRA.

12. Connie and Bill provided further information during follow up interview. Bill and Connie said, in addition to some other items and food products, MAHLER is storing a gray colored gun safe, a brown colored gun safe, and a large, brown colored toolbox in their garage. Bill said he and Connie began storing the items for MAHLER in their garage approximately two years ago. Bill stated at that time, he and MAHLER picked up MAHLER's gray colored gun safe from a relative's residence because their property was being foreclosed upon. Bill explained the gray colored gun safe was empty when he and MAHLER brought it to his residence. Bill said he thought the gray colored gun safe was a 1,000 to 1,200 pound safe.

13. Bill said shortly after he began storing the two safes and toolbox, MAHLER brought firearms over to Bill's property for storage. Bill said MAHLER brought several firearms over in

his vehicle, a Kia Sorento. Bill stated he helped MAHLER unload the firearms from MAHLER's vehicle and placed them in the gray colored gun safe. Bill stated he did not count the number of firearms, but he estimated between 12-20 long guns in addition to handguns. Bill stated he thought some of the firearms in MAHLER's gray colored gun safe were an Assault Rifle or "AR" style. Bill said the firearms that did not fit in the gray colored gun safe were placed in MAHLER's toolbox in Bill's garage. Bill said he thought MAHLER had previously stored his firearms at another relative's residence.

14. I confirmed through Oregon Department of Motor Vehicle (DMV) records that MAHLER has a Kia Sorento registered to him with Oregon license plate 169FAF.

15. Bill stated he has keys to both gun safes and the toolbox he is storing for MAHLER. Bill said he also knows the combination to the gray colored gun safe. Bill said only he and Connie and MAHLER have keys to access both gun safes and the toolbox.

16. Connie described the toolbox as one that would commonly be seen in the bed of a pick-up truck – a "job box." Connie said the toolbox contains a bow, arrows, handguns, and ammunition. Bill said there are also long guns inside the toolbox. Connie said she is aware of the contents in the toolbox because she last opened it while doing some house cleaning around Thanksgiving 2015. Connie said the toolbox was first stored at their business when it was located in Silverton, Oregon. Connie said the toolbox was empty when she and Bill initially began storing it for MAHLER.

17. Bill described the brown colored gun safe as being full of ammunition. Bill said the brown colored gun safe is currently stored in his garage, underneath a dresser.

18. Connie said she does not have an agreement with MAHLER for him to access her residence without either Connie or Bill present. Connie stated MAHLER had originally agreed



to pay rent for the storage of his belongings, but Connie said she has never received any payment. Bill said he and Connie did not have an explicit contract with MAHLER regarding payment for the storage of his belongings.

19. Bill and Connie said MAHLER shipped a pallet of ammunition to their business approximately two years ago. Bill said MAHLER approached him with approximately \$5,000.00 in cash, and MAHLER asked Bill to exchange the cash for a cashier's check. Bill said MAHLER stated he was unable to go with Bill to conduct this transaction but provided Bill with the address of where to send the cashier's check. MAHLER told Bill he would be shipping an order to Bill's business. Bill stated he walked into Washington Mutual or Chase Bank, (Bill said he could not remember the name of the bank at the time) and processed the cash for a cashier's check.

20. Connie saved both the customer copy of the cashier's check issued from Chase Bank and a receipt from the Silverton Post Office for a Priority Mail 2-Day shipping to Prescott, Arizona. The customer copy of the cashier's check shows the check dated March 3, 2014, addressed to J&G Sales and in the amount of \$5,247.24. The receipt from the Silverton Post Office is also dated March 3, 2014.

21. Bill and Connie said the ammunition was delivered to their business via FedEx. Bill said he and MAHLER transported the ammunition from their business to Bill's residence and placed the ammunition in the toolbox and the brown colored gun safe, as depicted above.

22. Connie saved the invoice from the shipment from J&G Sales. Based on the invoice, the total amount of shipped ammunition was approximately 19,000 rounds from J&G Sales located at 440 Miller Valley Road Prescott, Arizona 86301. The invoice total and amount received was \$5,247.24 which matches the amount of the cashier's check.

23. After looking at the J&G Sales invoice, ATF SA Caleb Enk and I told Bill that MAHLER's information is not listed on the invoice, but rather it contains Bill's information, specifically, Bill's name and the previous business address in Silverton, Oregon. The business address is listed above the "Confirm To:" as well as below the "Ship To:" portions on the invoice. The "Customer No." is also ZDAGGEB. Bill said he does not think he had anything to do with the J&G Sales purchase other than obtaining the cashier's check for MAHLER.

24. Bill said since his acquisition of the two gun safes and toolbox, MAHLER has been to his residence, but MAHLER has not accessed the two gun safes and toolbox. Bill stated only he and Connie have keys to access their residence and garage.

25. Within the last ten years, Connie said she was told by "Kara", MAHLER's stepdaughter, that MAHLER would go shooting with "Kyle" and "Steven", "Kara's" brothers, and "Curt" from "Curt's Barber Shop". Bill said MAHLER would always make someone else buy ammunition when he would go shooting. Bill said "Kyle" would buy ammunition when he went shooting with MAHLER.

26. Connie said the relationship she and Bill have with MAHLER began about ten years ago and was initially a business relationship because MAHLER was a customer. Connie said she was also aware at that time that MAHLER was "Kara's" stepdad. "Kara" is Connie's sister-in-law and the wife of Connie's brother, BLM SA Sully. Connie said their relationship with MAHLER developed further approximately three years ago when they purchased a dog from MAHLER.

27. On February 3, 2016, ATF agents executed a Federal search warrant on MAHLER's two gun safes and toolbox. The federal search warrant resulted in the seizure of thirty four (34) firearms and approximately 32,161 rounds of ammunition.

28. On February 8, 2016, ATF SA Albert Hobaugh, an ATF Interstate Nexus Expert, reviewed a sampling of the seized firearms. SA Hobaugh reviewed the following ten (10) firearms:

- a. Pistol, Walther, model P22, .22 caliber, serial number L186856
- b. Pistol, FEG, Importer CAI VT, model FP9, 9 mm, serial number F39412
- c. Pistol, Glock, model 21, .45 caliber, serial number BGX455US
- d. Pistol, Sig Sauer, model SP2340, .40 caliber, serial number SP0017865
- e. Rifle, Winchester, model 74, .22 caliber, serial number 101360
- f. Pistol, Colt, model Mark IV, .45 caliber, serial number SS22195
- g. Pistol, Sig Sauer, model P250, .40 caliber, serial number EAK060357
- h. Rifle, Winchester, model 100, .308 caliber, serial number 76014
- i. Rifle, Remington Arms, model 722, .257 caliber, serial number 354410
- j. Rifle, Ruger, model M77, 7 mm, serial number 7818623

SA Hobaugh determined the above described firearms were made outside the state of Oregon; therefore, the firearms have traveled in interstate commerce.

29. Based upon the circumstances detailed herein concerning the activities of Robert Evans MAHLER, I believe that probable cause exists that Robert Evans MAHLER, having previously been convicted of two federal felonies, had possession of firearms and ammunition in violation of Title 18 U.S.C § 922(g)(1).


30. Assistant United States Attorney Gregory R. Nyhus has reviewed this affidavit and concurs that it establishes probable cause to support the issuance of the criminal complaint and arrest warrant for Robert Evans MAHLER for violation of Title 18 U.S.C. § 922(g)(1). This

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affiant also respectfully requests this Affidavit and underlying Complaint and Arrest Warrant and accompanying motion and order be filed under seal so as not to hinder the ongoing investigation.

Dated this \_\_\_\_\_ day of February 2016.

  
Amanda R. Johnson,  
Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives

SUBSCRIBED AND SWORN TO before me this 16<sup>th</sup> day of February 2016.

  
The Honorable Janice M. Stewart  
UNITED STATES MAGISTRATE JUDGE